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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/700,610	02/20/2001	Fumihiko Nishio	450106-02405	8152

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FROMMER LAWRENCE & HAUG
745 FIFTH AVENUE- 10TH FL.
NEW YORK, NY 10151

EXAMINER

SHELEHEDA, JAMES R

ART UNIT	PAPER NUMBER
2623	

MAIL DATE	DELIVERY MODE
11/08/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

09/700,610

Applicant(s)

NISHIO ET AL.

Examiner

James Sheleheda

Art Unit

2623

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 31 October 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).


4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: _____.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____
13. ☐ Other: _____.


CHRIS KELLEY
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

Continuation of 11. does NOT place the application in condition for allowance because: On page 31, applicant argues that Maissel fails to disclose "meta information schema storing means for storing a meta information schema that defines the data structure of meta information about the content data according to the content data that is transmitted".

In response, Maissel discloses receiving and storing program guide information (page 16, lines 9-23) which includes meta information about the content data (title, date time, rating, etc...page 16, line 24-page 17, line 16) and a meta information schema (defining the layout of the program guide, which may or may not be altered by the user; see Fig. 9B and page 20, line 28-page 21, line 24). The schema defining the layout of the program guide information clearly meets the required claim limitations and therefore applicant's arguments are not convincing.

On pages 31-32, applicant argues that Maissel fails to disclose "wherein the meta information schema is periodically updated to effectively add, delete and transmit the meta information and to improve a searching efficiency of the meta information."

In response, it is noted that Maissel was never relied upon to disclose "to improve a searching efficiency of the meta information", as this feature is disclosed by Cobbley.

In regards to "wherein the meta information schema is periodically updated to effectively add, delete and transmit the meta information", Maissel clearly discloses wherein the program guide information is periodically updated (page 16, line 17-page 17, line 16 and page 24, lines 27-31) which provides for additions and deletions within the displayed programs based upon the new schedule. As the program guide layout is determined based upon the programming available (i.e. identifying the order in which channels and programming appear; see Fig. 9A and page 20, line 28-page 21, line 23) the periodic program guide updates includes updates to the meta information schema, therefore applicant's arguments are not convincing.

On page 32, applicant argues that Maissel fails to disclose "wherein use history information of meta information is periodically received from the receiving apparatus" as the viewing history of Maissel is stored in the interface unit.

In response, Maissel explicitly indicates that the program guide customization may occur at the headend (page 30, lines 20-27) by periodically transmitting the viewer's profile to the headend (page 30, lines 20-27). Therefore, applicant's arguments are not convincing.

On page 32, applicant argues that Maissel fails to disclose or suggest "wherein attributes, whose applied frequencies are low as indicated by the use history information, are deleted from said meta information schema" as specific programs in the EPG and attributes in the meta information schema are different.

In response, Maissel discloses wherein the program guide includes numerous attributes for a television program (such as rating, actors, director, price, etc...page 16, line 24-page 17, line 16). These attributes are all removed from the displayed program guide (and therefore the display schema) based upon a user's dislike for the particular program (page 18, lines 18-30 and page 21, lines 1-5) based upon an indicated low frequency of use (page 18, lines 18-30). Thus, applicant's arguments are not convincing, as Maissel clearly discloses removing "attribute" information.